

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELHAR MUMINOVIC,

Plaintiff,

-against-

FACEBOOK,

Defendant.

22-CV-7694 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

On September 7, 2022, Plaintiff Elhar Muminovic filed this *pro se* action against Facebook by emailing his complaint to the Court's designated email address for filing a new case by email. Plaintiff's complaint was filed without the \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or a completed and signed request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees. *See* 28 U.S.C. §§ 1914, 1915. The Court dismisses the complaint for the following reasons.

On August 30, 2022, Plaintiff submitted by email to this Court an identical complaint against Facebook. Plaintiff also filed that complaint without the filing fees or an IFP application. That case is presently pending before this court under docket number 22-CV-7475 (UA). As this complaint raises identical claims, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 22-CV-7475 (UA).¹

¹ If Plaintiff wishes to proceed with the action he filed on August 30, 2022, he must submit the filing fees or a completed and signed IFP application. The Court's procedures for filing a new case by email, which are posted on the Court's website, require the Plaintiff to either (1) email a completed and signed IFP application, or (2) pay the filing fees of \$402.00 by certified bank check or money order, payable to: Clerk of Court – SDNY, and mailed to: Cashiers Unit – Room 260, 500 Pearl Street, New York, NY 10007. Any certified check or money order must include Plaintiff's case number, 22-CV-7475 (LTS). Payment can also be made by major credit card or cash (only if the payment is made in person). Personal checks are not accepted.

CONCLUSION

Plaintiff is granted IFP status under 28 U.S.C. § 1915(a)(1) for the limited purpose of dismissing this complaint without prejudice.

Plaintiff's complaint is dismissed as duplicative.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: September 9, 2022
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

The Court's procedures, for cases filed by email, allow Plaintiff 21 days to pay the filings fees, and these procedures explain that the Court cannot take any action on a complaint filed without the filing fees or a completed and signed IFP application.